

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JET LINX AVIATION, LLC;

Plaintiff,

vs.

699 DB, LLC,

Defendant.

8:24CV147

ORDER TO SHOW CAUSE

This matter comes before the court after review of the docket and pursuant to NE Civ R 41.2, which provides, “At any time, after appropriate notice, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.”

On April 24, 2024, Jet Linx Aviation, LLC filed this suit against Defendant 699 DB, LLC. ([Filing No. 1](#)). On May 9, 2024, Plaintiff filed a Proof of Service purporting to show Defendant was served by certified mail on May 6, 2024. ([Filing No. 9](#)). The certified mail receipt contains no signature, but the USPS Tracking Information indicates it was “Left with Individual.” ([Filing No. 9 at p. 2](#)).

After review of the Complaint, on May 14, 2024, the Court ordered Plaintiff to file an amended pleading to properly allege the citizenship of each member of the limited liability company parties. ([Filing No. 10](#)). Plaintiff filed an amended complaint on May 20, 2024. ([Filing No. 11](#)). The amended complaint contains no certificate of service to indicate whether and in what manner it was served upon the defendant. No further action has been taken in this case since the amended complaint was filed.

At this time, the Court is not convinced the plaintiff’s proof of service demonstrates the defendant was properly served under Fed. R. Civ. P. 4(h). The defendant has not filed a responsive pleading or otherwise appeared in this case, and the plaintiff has taken no further action. The plaintiff has a duty to prosecute its case, and may, for example, request additional time to serve the defendant, or, if it feels confident it has effectuated proper service of process in accordance with Rule 4(h), seek default in accordance with the applicable rules or take other action as appropriate. Accordingly,

IT IS ORDERED: On or before **August 22, 2024**, Plaintiff must show cause why this case should not be dismissed for failure to prosecute, or take some other appropriate action.

Dated this 1st day of August, 2024.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge